

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT GUADAGNO,	:	
	:	
Plaintiff,	:	CIVIL NO. 1:11-CV-0150
	:	
v.	:	Hon. John E. Jones III
	:	
WARDEN CRAIG A. LOWE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MEMORANDUM

March 8, 2011

THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:

Plaintiff Robert Guadagno (“Plaintiff” or “Guadagno”), a state inmate presently confined at the Pike County Correctional Facility (“PCCF”) in Lords Valley, Pennsylvania, initiated the above action *pro se* by filing a Complaint under the provisions of 42 U.S.C. § 1983. (Doc. 1.)

After screening the Complaint under the provisions of 28 U.S.C. § 1915, by Memorandum and Order dated February 14, 2011, we dismissed the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. (Doc. 11.) We dismissed Guadagno’s due process and access to the courts claims with prejudice, but we dismissed his deliberate indifference claim without prejudice to his ability to file an amended complaint as to that claim on or

before February 28, 2011. (*See id.*)

On February 17, 2011, Guadagno filed an Amended Complaint in which he alleges facts solely relating to the disciplinary proceedings that formed the basis of his due process claim that has been dismissed with prejudice. (Doc. 12.) Our February 14 Order warned Guadagno that his failure to file an amended complaint as directed within the required time would result in the dismissal of this action. (*See* Doc. 11.) Because the Amended Complaint Guadagno has filed does not comply with our direction within our February 14, 2011 Memorandum and Order allowing him to file an amended complaint solely as to his deliberate indifference claim, and instead reasserts a claim that has been dismissed with prejudice, we must dismiss the instant action. An appropriate Order shall issue on today's date.